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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FIVE

**THE PEOPLE,**

**Plaintiff and Respondent,**

**A124356**

**v.**

**(Mendocino County  
Super. Ct. No. CR0887429)**

**REY LUCAS AVELLANEDA,**

**Defendant and Appellant.**

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Appellant Rey Lucas Avellaneda pleaded no contest to robbery (Pen. Code, § 211).<sup>1</sup> Appellant has asked this court to conduct an independent review pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

**FACTUAL AND PROCEDURAL BACKGROUND**

At approximately 11:00 p.m. on October 24, 2008, Cathleen Riley left her job at Stars Restaurant in Ukiah and walked to her car. As Riley walked to her car, a man — whom she later identified as appellant — approached Riley, lunged at her, and grabbed her purse. Appellant tugged and pulled on Riley’s purse. Riley screamed. She tried, unsuccessfully, to pull the purse out of appellant’s hands. Appellant punched Riley in the head and ran away.

<sup>1</sup> Unless otherwise noted, all further statutory references are to the Penal Code.

Riley called 911 and gave police a description of appellant and the items in her purse. Several days later, Ukiah Police Sergeant Greg Heitkamp went to a pawnshop learning a man tried to pawn a camera that matched the description of the one taken from Riley's purse. When he arrived, Heitkamp saw appellant standing near the camera. With the assistance of two other police officers, Heitkamp arrested appellant.

Ukiah Police Detective Mariano Guzman interviewed appellant twice, first at the booking station at the police department and second at the county jail. After Guzman *Mirandized* appellant, he admitted he was responsible for the robbery. Guzman went to a house where appellant resided and — with the owner's permission — searched it. He found various items taken from Riley's purse. Guzman then interviewed appellant for the second time. After Guzman *Mirandized* appellant, appellant admitted for the second time that he robbed Riley.

Appellant pleaded no contest to robbery (§ 211). Before entering a plea, the court advised appellant of the consequences of his plea and his *Boykin/Tahl* rights.<sup>2</sup> The court sentenced appellant to the middle term of three years in state prison with credit for time served. Appellant timely appealed. He did not apply for, nor obtain a certificate of probable cause.

## DISCUSSION

We appointed counsel to represent appellant on appeal. Counsel presents no argument for reversal, but asks this court to conduct an independent review of the record in accordance with *Wende, supra*, 25 Cal.3d at pages 441-442. Counsel informed appellant that he had the right to file a supplemental brief on his own behalf, but appellant declined to do so. We have conducted our independent review and find no arguable issues.

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<sup>2</sup> *Boykin v. Alabama* (1969) 395 U.S. 238; *In re Tahl* (1969) 1 Cal.3d 122, superseded by statute on another ground in *People v. Carty* (2003) 110 Cal.App.4th 1518, 1524.

DISPOSITION

The judgment is affirmed.

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Jones, P.J.

We concur:

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Simons, J.

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Needham, J.